

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 39 of 2018

- Bhagwat Ram Dhiwar S/o Shri Vishnuram Dhiwar, Aged About 43 Years, R/o Village Laharsi, Post Tora, Thana And Tahsil Patan Civil And Revenue Distt. Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-04-2018

1. Apprehending arrest in connection with Crime No.87/2017, registered at Police Station – Kota, District Bilaspur, Chhattisgarh for offence punishable under Section 420, 120-B/34 of the IPC and Section 4, 5 and 6 of Chhattisgarh Protection of Interest of Depositors Act 2006, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He was working as an agent of G. N. Dairy India Private Company Limited in Durg area. His name was disclosed by one co-accused Dilharan in this case in his memorandum statement that he was appointed by this applicant as agent in this area. This applicant was not instrumental in making any collection of deposits made by the depositors in this case. Hence, no case is made out against this applicant. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and submits that this applicant was one of the persons who has given inducement to the depositors and huge collection of money has been made as

deposits from various depositors who have been induced by this applicant and others. Hence, this case.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Laxmi Kumar Sahu has lodged the FIR, that he was induced by Dilharan and Durga Prasad with the schemes of G.N. Gold Company and was promised for attractive returns, in which, the complainant made investment in the year 2012 and bonds were issued against the deposits made. When the time of maturity arrived, the office of the company was closed and agents went in hiding and the whereabouts of the agents were not found. Hence, the FIR was lodged. Name of this applicant disclosed in the memorandum statement of one of co-accused, Dilharan.

6. Considered on the submissions made and contents of the case diary.

7. On perusal of the material present in the case diary, it appears that he was not the person who gave direct inducement to any of the depositors in this case, hence for this reason, I am of this view that this applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge